



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

October 13, 2011

Mark Fulmer, Sanitary Operations Supervisor
City of Winston-Salem Sanitation Division
P.O.Box 2511
Winston-Salem, NC 27102-2511

Re: Compliance History Review, City of Winston-Salem Transfer & Processing Site, New
Permit, Forsyth County

Dear Mr. Fulmer:

The agency received your application for the new permit to operate a Transfer & Processing Site. Under N.C.G.S. § 130A-294 (b2)(2) and 295.3 the agency will be conducting a review to determine the City of Winston-Salem's past compliance with federal and state laws, regulations, and rules, including permit conditions, for the protection of the environment or conservation of natural resources. Enclosed is a preliminary questionnaire for you to complete for all solid waste management facilities that the City of Winston-Salem has been issued a permit by the Solid Waste Section. Additional follow-up information may be requested. Please be advised that under subsection N.C.G.S. § 130A-294(b3), the agency is not required to review your application until you have satisfied the agency that you have met the requirements of subsection (b2).

Sincerely,

Shawn McKee
Compliance Officer

cc: Michael Scott, Solid Waste Section Chief
Ed Mussler, Permitting Branch Head
Mark Poindexter, Field Operations Branch Head
John Murray, Permitting Engineer
Jason Watkins, District Supervisor
C.T. Gerstell, Environmental Senior Specialist
Central File

Compliance Review

The applicant, the City of Winston-Salem, is requested to provide the following information for all solid waste management facilities that the City of Winston-Salem has been issued a permit by the Solid Waste Section. For purposes of the questions below, the phrase "within the past five years," means five years prior to the date of this request.

For each question that is marked with an answer other than "not applicable," please provide a written, detailed explanation, including how or if the matter has been resolved.

A. The following question applies to all of the applicant's solid waste management (including hazardous waste management) activities.

1. With respect to the applicant's solid waste management activities, check whether the applicant has been a party to or received any of the following within the past five years:

- ☐ a. Compliance Order with a penalty
- ☐ b. Compliance order without a penalty
- ☐ c. Order to cease operating
- ☐ d. Order to abate public health nuisance [130A-19];
- ☐ e. Order to abate imminent hazard [130A-20];
- ☐ f. Order to abate nuisance scrap tire site [130A-309.60].
- ☐ g. Administrative Consent Agreement or Settlement Agreement (e.g., may involve revised permit conditions)
- ☐ h. Revocation or suspension of a permit
- ☐ i. Denial of a permit application for a solid waste management facility
- ☐ j. Penalty Collection lawsuit (lawsuit to collect an unpaid penalty)
- ☐ k. Confession of Judgment (for the payment and collection of an unpaid penalty or other monies owed to a special account, such as the scrap tire account or white goods account)
- ☐ l. Injunctive relief or law suit for injunctive relief
- ☐ m. Lawsuit for forfeiture of gain (N.C.G.S. §130A-28)
- ☐ n. Lawsuit for recovery of money (N.C.G.S. §130A-27)
- ☐ o. State Criminal action- misdemeanor or felony (N.C.G.S. 130A-25; 130A-26.1 and 26.2; 14-399)
- ☐ p. Federal criminal action-misdemeanor or felony

B. **[Note: Questions 2 and 3 cover any type of environmental violation.]**

Check all applicable boxes (ONE MUST BE CHECKED FOR EACH QUESTION).

Within the past five years:

2. The applicant has been convicted of, or pled guilty or no contest to, a criminal violation of a statute, regulation, or rule for the protection of the environment or conservation of natural resources.

- ☐ a. in state court
- ☐ b. in federal court
- ☒ c. not applicable

3. A monetary penalty (whether denominated as a civil penalty, an administrative penalty, a judicial penalty, or by some other designation), has been assessed against the applicant for the violation of a state or federal statute, regulation, rule, including a permit condition, or for the protection of the environment or conservation of natural resources.

☐ a. in a state forum
☐ b. in a federal forum
☒ c. not applicable

[Note: Questions 4 and 5 will encompass those situations where a solid waste management facility operated in violation of solid waste management statutes/regulations, as well as water quality, including groundwater and surface water, sedimentation and erosion control, and air quality statutes/regulations, among others.]

4. With respect to any solid waste management facility (including hazardous waste management) owned or operated by the applicant, a lawsuit for injunctive relief has been filed against the applicant for the violation of a statute, regulation or rule for the protection of the environment or conservation of natural resources.

☐ a. in state court
☐ b. in federal court
☒ c. not applicable

5. With respect to any solid waste management facility (including hazardous waste management) owned or operated by the applicant, a judgment, or consent judgment, for injunctive relief has been entered against the applicant for the violation of any statute, regulation or rule for the protection of the environment or conservation of natural resources.

☐ a. in state court
☐ b. in federal court
☒ c. not applicable

6. A permit for a solid waste management facility owned or operated by the applicant has been revoked or suspended.

☐ a. in a state forum
☐ b. in a federal forum
☒ c. not applicable

- * 7. An environmental permit for any undertaking other than a solid waste management facility has been revoked or suspended.

☐ a. in a state forum
☐ b. in a federal forum
☒ c. not applicable

* SEE ATTACHMENT

- ☐ a. in a state forum
☐ b. in a federal forum
☒ c. not applicable

- ☐ a. yes
☒ b. not applicable

- ☐ a. yes
☒ b. not applicable

- ☐ a. yes
☒ b. not applicable

If the applicant certifies that the applicant is now in compliance, the applicant may be asked to submit proof from the agency having jurisdiction over the violation that the applicant is in the process of correcting or has corrected the violation to the satisfaction of the agency.

I, , hereby certify on behalf of the City of Winston-Salem as applicant's (title of position with applicant), that I have read the foregoing answers provided to the Compliance Review, that the information and answers contained in the responses to the Compliance Review are true and accurate based on my own knowledge and my review of documents and that I have not omitted any material information or falsified any information contained in the foregoing answers. I am aware that there are significant penalties for making any false statement, representation, or certification including the possibility of a fine and imprisonment.

*SEE ATTACHMENT

Attachment to Compliance Review Questionnaire
November 1, 2011

RE: Question #7.

City staff is not aware of an instance where an environmental permit was revoked or suspended.

Re: Question #11

In 2006, the City of Winston-Salem's Fleet Services Department was informed they needed to get an NPDES permit. It was successfully demonstrated, to the EPA's and the state's satisfaction, that the regulations were unclear that such a permit would be required for Fleet Services facilities, and this is why Fleet Services had not obtained one prior to being instructed to do so.

I, Jan McHargue, hereby certify on behalf of the City of Winston-Salem as applicant's Solid Waste Administrator, that I have read the foregoing answers provided to the Compliance Review, that the information and answers contained in the responses to the Compliance Review are true and accurate based on my own knowledge and my review of documents and that, to the best of my knowledge, I have not omitted any material information or falsified any information contained in the foregoing answers. I am aware that there are significant penalties for making any false statement, representation, or certification including the possibility of a fine and imprisonment.

Signature/printed name and title:

Attest:

JANIS McHARGUE / Jan McHargue
SOLID WASTE ADMINISTRATOR

State of North Carolina
County of Yadkin

Sworn and subscribed to before me this the 1st day of Nov, 2011.

Allison Grace Moxley
notary public

My Commission expires:

SEAL



JANE HARRISON
SOLID WASTE ADMINISTRATOR

Notary Public
My Commission Expires

Notary Public
My Commission Expires

Notary Public
My Commission Expires

Notary

ALLISON GRACE MOLEY
Notary Public-North Carolina
COUNTY OF YADKIN
My Commission Expires